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കേരള സർക്കാർ
2013



Regn. No. KERBIL/2012/45073
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Reg. No. റജി. നമ്പർ
KL/TV(N)/634/2012-14

KERALA GAZETTE

കേരള ഗസറ്റ്

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25th June 2013
2013 ജൂൺ 25
4th Ashadha 1935
1935 അഷ്ടാഘൂഡം 4

No.
നമ്പർ
26

PART III Judicial Department

THE HIGH COURT OF KERALA

NOTIFICATION

No. D1 (A) 58357/2002/D1.

30th May 2013.

In exercise of the powers conferred by section 122 of the Code of Civil Procedure, 1908 (Central Act V of 1908), and of all other powers hereunto enabling it in this behalf, the High Court of Kerala hereby publishes for general information the draft of the Kerala Civil Courts (Case Flow Management) Rules, 2013.

Notice is hereby given that any objection or suggestion with respect to the draft received from any person within thirty days from the date of publication of this notification in the official gazette will be considered by the High Court. Objections or suggestions, if any, shall be addressed to the Registrar (Subordinate Judiciary), High Court of Kerala, Kochi-682 031.

The Kerala Civil Courts (Case Flow Management) Rules, 2013

1. *Title, Application and Commencement:*—(1) These Rules may be called the Kerala Civil Courts (Case Flow Management) Rules, 2013.

(2) These Rules shall apply to all suits, appeals and other proceedings of civil nature before the Subordinate Courts and Tribunals under the superintendence of the High Court of Kerala.

(3) These Rules shall come into force from the date of its publication in the official gazette.

2. *Definitions:*— In these rules, unless the context otherwise requires:

(1) ‘Court’ includes Tribunal also

(2) ‘Court Officer’ means the Chief Ministerial Officer of the Court or Tribunal concerned or the officer authorized by the Court or Tribunal to exercise the powers of the Court Officer under these Rules.

3. *Categorization of suits, appeals and other proceedings of civil nature:*—

(1) The Court Officer shall categorize the suits, appeals and other proceedings in the Court concerned into three tracks viz., Track- I, Track - II and Track - III, at the time when they are instituted in the following manner:

(a) Track - I:

- (i) Matters relating to maintenance
- (ii) Matters relating to guardianship or custody of children
- (iii) Matters relating to adoption
- (iv) Matters relating to visitation rights
- (v) Matters relating to the grant of Letter of Administration, Probate and Succession Certificate
- (vi) Original Proceedings and appeals under the Kerala Buildings (Lease and Rent Control) Act, 1965
- (vii) All Civil Miscellaneous Appeals
- (viii) Suits for money
- (ix) Proceedings under the Mental Health Act 1987
- (x) Proceedings for transfer of matters pending before civil courts
- (xi) All summary suits.

(b) Track-II

- (i) Matters relating to matrimonial disputes not falling under track one
- (ii) Suits for eviction
- (iii) Suits for injunction
- (iv) Claim petitions under the Motor Vehicles Act
- (v) Land Acquisition references and petitions for compensation relating to property under other different legislations like Telegraph Act, Petroleum Act etc
- (vi) Proceedings under the Arbitration and Conciliation Act, 1996
- (vii) Suits under the Fatal Accident Act
- (viii) Suits and other proceedings relating to Intellectual Property Rights

(c) Track - III

- (i) Suits for partition
- (ii) Suits for declaratory relief
- (iii) Suits for specific performance
- (iv) Suits for possession
- (v) All appeals other than Civil Miscellaneous Appeals and appeals under the Kerala Buildings (Lease and Rent Control) Act, 1965
- (vi) Suits for damages
- (vii) Suits relating to easement rights

- (viii) Suits and other proceedings relating to trust property
- (ix) Proceedings under the Insolvency Act 1955
- (x) Suits for accounts
- (xi) Matters relating to execution
- (xii) Such other cases not included elsewhere

(2) The Presiding Officer shall take every endeavor to dispose of the cases within the time frame as specified hereunder-

- (i) Track-I—6 months from the date of institution of proceedings
- (ii) Track-II—12 months from the date of institution of proceedings
- (iii) Track-III—24 months from the date of institution of proceedings

Provided that in cases where a lesser time limit is prescribed for disposal of any particular category of cases under any other Statutes, Rules, Regulations or Circulars of the High Court, such category of cases shall be disposed of as stipulated in the respective Statutes, Rules, Regulations or Circular of the High Court, irrespective of the time limit specified above.

4. Service of Notices and Summons:— (1) The summons or notices issued in suit, appeal or original proceedings shall indicate maximum of 30 days for filing written statement or objection from the date of service of summons or notice.

(2) (a) The plaintiff/ petitioner/ appellant shall as far as possible file copies of the plaint/ petition/appeal and interlocutory application filed in the proceedings together with the list of documents for service on the defendant/respondent at the time of institution of the proceedings itself.

(b) The plaintiff/ petitioner/ appellant shall furnish the full and correct postal address of the parties in the pleadings with PIN code.

(3) (a) When the State/ Union Government/Public Servants of State or Union Government in official capacity are parties to the suit, appeal or proceedings, in such cases, in addition to the summons/ notice under sub rule (1) above, copy of the plaint/ petition/ memorandum of appeal etc. shall be served on the Government Pleader of the State/ Counsel of the Central Government, as the case may be, before filing the same in court and necessary endorsement in proof of such service shall be obtained and produced before the Court.

(b) The summons or notice along with ,the copy of the pleadings, served on the Government Pleader or Central Government Counsel as the case may be, shall be deemed to be a valid service.

(4) The process fee for service shall be paid within seven days from the date of order, failing which, the case will be posted in Cause List -1 referred to in Rule 5 hereunder for dismissal for non prosecution. On application, the court may extend the time for payment of process.

(5) The process fee, if paid in time, for service through Court or Post, the case shall be posted to a date not later than 21 days, if service is to be effected within the same District and in other case, not later than 30 days from the date of issuance of summons or notice, for appearance.

(6) When summons or notice is permitted to be served under Order V Rule 9(A) Civil Procedure Code, 1908, the report of such service shall be filed in Court with necessary acknowledgment of service along with an affidavit of the plaintiff.

(7) Whenever summons/notice issued to defendant/ respondent through post/courier is reported unserved, the Court shall order issuance of summons through Court and substituted service simultaneously.

(8) The envelope of the summons/notice sent through registered post/courier shall bear written or printed instructions to the server to deliver summons or notice to the party and in his absence, to any adult member of the family residing with him.

5. *Calling of Cases:*—(1) The various stages of the suit, appeal or proceedings before court shall be as follows:

- (a) Return of summons/ notices.
- (b) Filing of objection/counter affidavit to the interlocutory applications.
- (c) Hearing of interlocutory applications.
- (d) Filing of written statement/objections.
- (e) Consideration of Alternative Dispute Resolution mechanisms.
- (f) Framing of issues in case of suits.
- (g) Pre-trial steps.
- (h) Evidence: Examination in chief, cross examination and re-examination.
- (i) Arguments
- (j) Judgement

(2) The Presiding Officer shall cause preparation of two cause lists of the cases for the calling work every day.

(3) The case at the stage of hearing of interlocutory applications, consideration of Alternate Dispute Resolution mechanisms, framing of issues, pretrial steps, evidence including the examination in chief, cross examination and re-examination of witnesses, arguments and judgement/ order shall be listed in Cause List - I.

(4) Execution matters shall be listed in Cause List - I.

(5) The case at the stage of return of summons/ notices, appearance of parties, filing of written statement, counter statement or objections shall be listed in Cause List - II.

(6) The case at the stage of appearance of parties and steps be posted in Cause List - I for necessary orders, if requested for by the Advocate or Party.

(7) The cases listed in Cause List No. I shall be called in open court.

(8) The Court Officer shall attend to the cases listed in Cause List No. II.

(9) Cause List Nos. I and II shall be published in advance by the Court Officer before 4.30 pm on the previous day.

(10) Whenever the Advocate/party fails to attend or take steps in the case posted in Cause List - II and does not seek extension of time, the case shall be included in Cause List -I and posted for necessary orders within three days.

6. Procedure regarding disposal of Interlocutory Applications:—(1) In a suit, appeal or proceeding, if only notice is ordered in the interlocutory applications, the application shall be posted for hearing in Cause List - I immediately on the appearance of the defendant/ respondent.

(2) In a suit, appeal or proceeding, if an *ex parte* interim order is granted on an interlocutory application, the same shall be posted in Cause List No. I for disposal on merits immediately after the appearance of the defendant/ respondent and the court shall endeavor for disposal of the said application within 30 days from the date of the order.

(3) Applications filed for interim orders in respect of cases in Cause List No. 1 may be filed on the date of hearing or in advance, after due notice to the other side.

(4) Applications seeking for emergent interim orders in any matter pending in Cause List No. II before the Court Officer, shall be posted before the Court forthwith.

7. Land Acquisition References:—As and when a reference in respect of the acquisition of land for a particular project/purpose is received, the Reference Court shall address the Collector/ Land Acquisition Officer concerned to forward all the reference applications in respect of the acquisition proceeding within a time limit, with notice to the requisitioning authority, if any.

8. *Appeals*:—The procedure for calling work, grant of interim orders applicable to suits and civil proceedings, shall *mutatis mutandis* apply to Appeals.

9. *Citation of Authorities*:—Whenever authorities are to be cited, the list of the same shall be given to the opposite counsel at least on the previous day.

10. *Intimations regarding the filing of appeal*:—As and when an appeal is filed, the Appellate Court shall within three days from the date of filing the appeal, intimate the trial court that an appeal has been filed.

11. *Saving*:—Whenever there is any inconsistency between these Rules and the provisions of the Code of Civil Procedure, 1908 or any other Statute, the provisions of the Code or any other Statute shall prevail.

By order,

N. ANIL KUMAR,
Kochi. *Registrar (Subordinate Judiciary)*.

Explanatory note

(This is not part of the notification but is intended to bring out its general purport.)

The Honourable Supreme Court of India had, in its judgement dated 25-10-2002 in WP(C) No. 496/2002 titled *Salem Advocate Bar Association Vs. Union of India*, appointed a Committee headed by Mr. Justice M. Jagannadha Rao to devise a model case management formula with the objective of achieving more disposal of cases. The Supreme Court, after considering the report filed by the Committee, directed the High Courts, vide judgement dated 2-8-2005 in the said case, to adopt the said report with or without modification, so as to provide a fair, speedy and inexpensive justice to the litigant public. Accordingly, the High Court of Kerala has considered the matter and framed the above rule.

NOTIFICATION

No. B1-58/2013.

27th May 2013.

(i)

In exercise of the powers conferred by Section 11 (3) of the Code of Criminal Procedure 1973, the High Court of Kerala hereby appoints the persons mentioned in column (2) of the schedule hereto attached to be the Judicial Magistrates of the First Class to preside over the Courts specified against their names in column (3) thereof from the date on which they take charge.

SCHEDULE

<i>Sl. No.</i>	<i>Name</i>	<i>Court</i>
(1)	(2)	(3)
1	Shri P. Pradeep	Judicial Magistrate of First Class, Koyilandi
2	Shri P. Avaneendranath	Judicial Magistrate of First Class, Perambra

(ii)

In exercise of the powers conferred by Sub Section (1) of Section 260 of the Code of Criminal Procedure 1973, the High Court of Kerala hereby specifically empowers the Judicial Magistrate of the First Class mentioned in column (2) of the Schedule hereto attached to try in a summary way all the offences mentioned in the said sub-section.

SCHEDULE

<i>Name of the Judicial Magistrate of the first class</i>		
<i>Sl. No.</i>	<i>Name</i>	<i>Court</i>
(1)	(2)	(3)
1	Shri P. Pradeep	Judicial Magistrate of First Class, Koyilandi
2	Shri P. Avaneendranath	Judicial Magistrate of First Class, Perambra

By order,

N. ANIL KUMAR,
Kochi. *Registrar (Subordinate Judiciary)*.

Office of the Chief Judicial Magistrate, Thrissur

NOTIFICATION

No. B3-1565/2013.

31st May 2013.

Sub—Judiciary-Transfer and Posting of Munsiff Magistrates-Notification-reg.

Ref—O.M. No. B1-35733/2012 dated 25-5-2013 of High Court of Kerala, Ernakulam.

In exercise of the powers conferred by the Sub section (1) of Section 14 of the Code of the Criminal Procedure 1973 (Act 3 of 1974) the Chief Judicial Magistrate, Thrissur hereby defines the local areas shown in Column No. II within which the persons mentioned in Column No. I of the Schedule hereunder may exercise all or any of the powers which may be invested under the code from the date of taking charge.

SCHEDULE	
Column No. I Name of Officer	Column No. II Name of Police Station
Smt. Saleena V. G. Nair, JFCM III, Thrissur	Ollur, Mannuthy, Peechi, Railway P.S. 2nd class powers

V. P. INDRA DEVI,
Chief Judicial Magistrate.

ജുലൈഷ്യൽ ഫൗം കോർട്ട് മജിസ്ട്രേറ്റ് കോടതി-III,
കൊഴിക്കോട്
സോറ്റീൻ

നമ്പർ ഡി-889/2013. 2013 മെയ് 30.

ഈ കോടതിയിൽ തീർപ്പി കർണ്ണിക്കപ്പെട്ട താഴെ പറയുന്ന കേസുകളിലെ തൊണ്ടി മുതൽ ഈ പരസ്യ തീയതി മുതൽ 30 ദിവസത്തിനകം പരസ്യലേലം ഉചി വിറ്റഴിക്കുന്നതാണ്. ലേലം കൊള്ളുന്നവർ വിലയും വില്പന നികുതിയും അടച്ച് ലേലം മുതൽ ഏറ്റവാനേണ്ടതാണ്.

- കേസ് നമ്പർ—CC 1145/97—സിറ്റി ട്രാഫിക് പോലീസ് സ്റ്റോൾ
കെക്കം നമ്പർ—CTPS Cri: 199/97
തൊണ്ടി നമ്പർ—PR 199/97
മുതൽ വിവരം—KL-11 A 5737 നമ്പർ മോട്ടോർ സൈക്കിൾ
- കേസ് നമ്പർ—CC 40/01—കസബ പോലീസ് സ്റ്റോൾ
കെക്കം നമ്പർ—Ksb Cri 120/99
തൊണ്ടി നമ്പർ—PR 92/99
മുതൽ വിവരം—KL-7 B 4845 നമ്പർ ടാറ്റാ സുമോ കാർ

- കേസ് നമ്പർ—CC 655/00—പനിയകര പോലീസ് സ്റ്റോൾ
കെക്കം നമ്പർ—Pnk Cri 68/99
തൊണ്ടി നമ്പർ—PR No. 98/99
മുതൽ വിവരം—Registration No. TAF 4136 Car
- കേസ് നമ്പർ—CC 310/07—പനിയകര പോലീസ് സ്റ്റോൾ
കെക്കം നമ്പർ—Pnk Cri 103/00
തൊണ്ടി നമ്പർ—PR No. 182/00
മുതൽ വിവരം—1) മാരുതി എസ്റ്റീം കാർ,
Registration No. TN 2366517
2) മാരുതി സൈക്കിൾ കാർ,
Registration No. KA 02 MA 1989
- കേസ് നമ്പർ—CC 640/04—കസബ പോലീസ് സ്റ്റോൾ
കെക്കം നമ്പർ—Ksb Cri 106/03
തൊണ്ടി നമ്പർ—PR 180/04
മുതൽ വിവരം—80 Kg. അലൂമിനിയം ചാനൽ എക്ട്രൂക്സ്
- കേസ് നമ്പർ—CC 52/07—കസബ പോലീസ് സ്റ്റോൾ
കെക്കം നമ്പർ—കസബ കെക്കം 303/02
തൊണ്ടി നമ്പർ—PR 15/07
മുതൽ വിവരം—KA02 P 7875 നമ്പർ ടാറ്റാ സുമോ കാർ

(ഒപ്പ്)

ജുലൈഷ്യൽ ഫൗം കോർട്ട് മജിസ്ട്രേറ്റ് III.